

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Clarksburg**

**HENRY GUTIERREZ-ANDRADE,**

Petitioner,

v.

**Civil Action No. 1:17-CV-201**  
Judge Klee

**JOE COAKLEY,** Warden Hazelton  
U.S.P.,

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The above referenced case is before this Court upon the magistrate judge's recommendation that petitioner's Petition for Habeas Corpus Pursuant to § 2241[Doc. 1] be denied and dismissed without prejudice.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. ***Thomas v. Arn***, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. ***United States v. Schronce***, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). No

objections have been filed to the magistrate judge's report and recommendation, even with this Court granting petitioner an extension to file objections.

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [**Doc. 28**] is **AFFIRMED**, and petitioner's Petition for Habeas Corpus Pursuant to § 2241 [**Doc. 1**] is **DENIED AND DISMISSED WITHOUT PREJUDICE**. This Court further **DIRECTS** the Clerk to enter judgment in favor of the respondent and to **STRIKE** this case from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* petitioner.

**DATED:** September 28, 2021.

A handwritten signature in black ink, appearing to read "Tom S. Kleeh", is positioned above a horizontal line.

THOMAS S. KLEEH  
UNITED STATES DISTRICT JUDGE